## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHELLE LUNA and : No. 3:23cv1657

JAMES RODRIGUEZ, JR.,

Plaintiffs : (Judge Munley)

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v. : (Magistrate Judge Arbuckle)

EDWARD PALKA, Alcohol Tobacco, and Firearms and Explosives Task :

Force Officer; DETECTIVE R.

MILLER, Luzerne County Task Force:

Officer for the Pennsylvania attorney General's Office; and

ERIC CONAHAN, Special Agent,

Internal Revenue Service,

Defendants

ORDER

AND NOW, to wit, this day of April 2025, it is hereby ORDERED as follows:

- Plaintiffs' objections to Magistrate Judge Arbuckle's Report and Recommendation (Doc. 48) are hereby **OVERRULED**;
  - 2. The Report and Recommendation (Doc. 47) is ADOPTED;
  - 3. The defendants' motion to dismiss (Doc. 15) is **GRANTED**;
  - 4. Plaintiffs' motion to strike reply (Doc. 50) is DENIED; and
- 5. All claims by Plaintiff Luna are hereby **DISMISSED** for lack of subject matter jurisdiction;

6. Plaintiff Rodriguez's claims for injunctive relief are **DISMISSED** for lack of subject matter jurisdiction without prejudice and without leave to amend;

7. Plaintiff Rodriguez's claims pursuant to <u>Bivens</u>, 42 U.S.C. § 1983, and 42 U.S.C. § 1985 are hereby **DISMISSED**; and

8. The Clerk of Court is directed to close this case.

BY THE COURT:

JUDGE JULIA K. MUNLEY United States District Court